

Serial No. 10/719,711

REMARKS

The aforementioned deletions and insertions to the Title Page, Abstract, and the Specification, indicated in the accompanying marked up copy, are believed to be in compliance with CFR 1.121. Please insert the entire rewritten text as it is presented, without corrective markings, in the accompanying replacement copy of the Specification.

The applicants have amended certain descriptions in the Specification and the Claim with the objective of presenting a full, clear and complete description of the cultivar in order to comply with 37 CFR 1.163 and 35 U.S.C. 112 and to overcome the objections listed in the Office Action dated 04/05/2004. Specifically:

In response to the objections set forth in paragraph A of the Office Action, the Specification has been amended to set forth the diameter of flower buds of the claimed plant.

In response to the objections set forth in paragraph B of the Office Action, the Specification has been amended to set forth the shape of the sepals.

In response to the objections set forth in paragraph C of the Office Action, the Specification has been amended to set forth the location of stipitate glands on the sepals.

In response to the objections set forth in paragraph D of the Office Action, the Specification has been amended to set forth the average diameter of the peduncle.

In response to the objections set forth in paragraph E of the Office Action, the Specification has been amended to provide additional botanical descriptive data referring to the length, diameter, surface texture, and color designation of the peduncle.

In response to the objections set forth in paragraph F of the Office Action, the Specification has been amended to provide additional botanical descriptive data referring to the white splotches on the petals.

In response to the objections set forth in paragraph G of the Office Action, the Specification has been amended to provide additional botanical descriptive data referring to mature and juvenile thorn color.

In response to the objections set forth in paragraph H of the Office Action, the Specification has been amended to qualify the reference to 18 mm on page 13, line 4.

In response to the objections set forth in paragraph I of the Office Action, the Specification has been amended to set fourth petiole texture and diameter.

In response to the objections set forth in paragraph J of the Office Action, the Specification has been amended to qualify the reference to 40 mm on page 13, line 15.

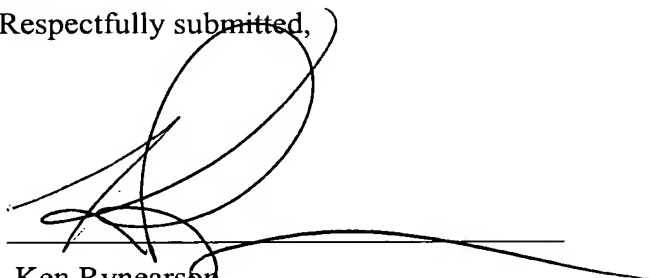
In response to the objections set forth in paragraph K of the Office Action, the Specification has been amended to provide additional botanical descriptive data referring to the rachis on leaves of the claimed plant.

In response to the objections set forth in paragraph L of the Office Action, the Specification has been amended to qualify the measurement data for leaflets.

For all the reasons listed above, the applicants respectfully submit that the errors in the Specification are corrected, and that the claims comply with Section 112. The application is believed to be in condition for allowance, and notice thereof is respectfully requested.

The undersigned is authorized to act on behalf of the assignee, Poulsen Roser A/S. Applicants enclose a statement under 3.73(b).

Respectfully submitted,

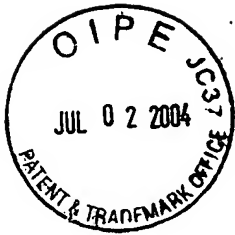
A handwritten signature in black ink, appearing to be 'Ken Rynearson', written over a horizontal line.

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10/719, T11

UNITED STATES PLANT PATENT APPLICATION

of

L. PERNILLE AND MOGENS N. OLESEN

for

CLIMBING ROSE PLANT NAMED

'POULyc004'

CLIMBING ROSE PLANT NAMED

'POULyc004'

ABSTRACT OF THE DISCLOSURE

A new climbing garden rose plant which has abundant, deep yellow flowers and attractive foliage. This new and distinct variety has shown to be uniform and stable in the resulting generations from asexual propagation.

## SUMMARY OF THE INVENTION

### BOTANICAL CLASSIFICATION

*Rosa hybrida*

### VARIETY DENOMINATION

5

'POULyc004'

The present invention constitutes a new and distinct variety of garden rose plant which originated from a controlled crossing between an unnamed female parent plant and an unnamed male parent plant. The two parents were  
10 crossed during the summer of 1991, and the resulting seeds were planted in a controlled environment in Fredensborg, Denmark. The new variety is named 'POULyc004'.

The new variety may be distinguished from its pollen  
15 parent, by the following combination of characteristics:

1. While the pollen parent has a free branching, low growing growth habit,  
'POULyc004' has a climbing growth habit.
2. While the pollen parent has very double  
20 flowers, 'POULyc004' has flowers characterized as double.

The new variety may be distinguished from its unnamed seed parent, by the following combination of characteristics:

- 25 1. The seed parent is multiflorus with up to approximately 20 flowers per stem.

'POULyc004' has up to 5 flowers per stem.

2. While the seed parent has no fragrance,

'POULyc004' has a light floral scent.

5 The objective of the hybridization of this rose  
variety was to create a new and distinct variety for  
garden use with unique qualities, such as:

1. Uniform and abundant yellow flowers;
2. Vigorous, but compact growth when  
10 propagated both as a budded rose and on  
its own roots;
3. Disease resistance.
4. Improved flowering habit. Since the  
variety is less apically dominant, flowers  
are produced from lower branches to the  
15 top.

This combination of qualities is not present in  
previously available commercial cultivars of this type,  
known to the inventor, and distinguish 'POULyc004' from  
all other varieties of which we are aware.

20 As part of their rose development program, L.  
Pernille Olesen and Mogens N. Olesen germinated the seeds  
from the aforementioned hybridization during winter 1991  
and conducted evaluations on the resulting seedlings in a  
controlled environment in Fredensborg, Denmark.

25 'POULyc004' was selected in the spring 1992 by the

inventors as a single plant from the progeny of the  
aforementioned hybridization.

5       Asexual reproduction of 'POULyc004' by traditional  
budding and rooted cuttings was first done by L. Pernille  
and Mogens N. Olesen in their nursery in Fredensborg,  
Denmark in June, 1992. This initial and other subsequent  
asexual propagations conducted in controlled environments  
have demonstrated that the characteristics of 'POULyc004'  
are true to type and are transmitted from one generation  
10      to the next.

#### BRIEF DESCRIPTION OF THE DRAWING

15       The accompanying color illustration shows as true as  
is reasonably possible to obtain in color photographs of  
this type, the typical characteristics of the buds,  
flowers, leaves, and stems, of 'POULyc004'. Specifically  
illustrated in FIGURE 1:

20               Fig 1.1; Open flower, stem showing open  
flower, the attachment of buds, and  
peduncles;

Fig 1.2; Flower bud closed, partially open  
bloom and open flower.

Fig 1.3; Flower petals, detached;

25               Fig 1.4; Sepals, receptacle, and pedicel;



Fig 1.5; Mature leaves;

Fig 1.6; Bare stems.

5

DETAILED DESCRIPTION OF THE VARIETY

The following is a description of 'POULyc004', as observed in its growth in a field nursery in Jackson County, Oregon. Observed plants are 3 years of age.

10

Color references are made using the Royal Horticultural Society (London, England) Colour Chart, 1995, except where common terms of color are used.

15

For a comparison, several physical characteristics of the rose variety 'POULhult', a rose variety from the same inventors described and illustrated in U.S. Plant Patent Application No. 10/267,547 and dated 8 October 2002, are compared to 'POULyc004' in Chart 1.

CHART 1

20

25

	'POULyc004'	'POULhult'
Flower Diameter	30-35 mm.	55 to 60 mm.
Color of outermost petals after opening inner side.	Yellow Group 13A.	Yellow Group 11D.
Petal Size	16 mm (l) x 10 mm (w).	27 mm (l) x 28 mm (w).

Parents:

Seed Parent: unnamed plant.

Pollen Parent: unnamed plant.

5

FLOWER AND FLOWER BUD

Blooming habit: Continuous.

Flower bud:

10

Size: Upon opening, 11 mm in length  
from base of receptacle to end  
of bud. BUD DIAMETER IS 6 mm.

Bud form: Pointed ovoid.

Bud color: As sepals unfold, petals are  
Yellow-Orange Group 15B to 15C.  
Yellow-Orange Group 15B to 15C.  
at ¼ opening.

15

Sepals:

Upper Surface:

20

Color: Yellow-Green Group 146C  
with intonations of  
Greyed-Purple Group 183A.

Lower Surface:

Color: Yellow-Green Group 144A  
with intonations of  
Greyed-Purple Group 183A.

25

Shape: SUBULATE.

- MARGINS: Margins have weak foliaceous appendages on three of the five sepals. Surfaces of sepals moderately pubescent. Stipitate glands ~~are sparse.~~ OBSERVED AT THE MARGINS AND THE APEX OF SEALS IN SPARSE QUANTITY.
- 5 Anthocyanin: Weak. Greyed-Purple Group 183A.
- Size: 20 mm long by 4 mm wide.
- Receptacle:
- 10 Surface Texture: Smooth and glaucous.
- Shape: Urn-shaped.
- Size: 50 mm (h) x 5 mm (w).
- Color: Yellow-Green Group 144A.
- Peduncle:
- 15 COLOR: YELLOW GREEN GROUP 144A.
- Surface: Smooth and glabrous.
- Length: 23 to 25 mm average length.
- Borne: DIAMETER: NORMALLY 2 mm.
- Multiples of 5 buds per flowering stem. Occasionally single.
- 20 Anthocyanin:
- Color: Greyed-Red Group 183A.
- Flower bloom:
- Fragrance: Light floral.
- 25 Duration: The blooms have a duration on

the plant of approximately 7 to  
10 days.

Size: Average flower diameter is 30-  
35 mm when open.

5 Form: Rosette with outermost petals  
slightly overlapping.

Shape of flower when viewed from the side:

Upon opening, upper part: Flattened  
convex.

10 Upon opening, lower part: Flat.

Open flower, upper part: Flattened  
convex.

Open flower, lower part: Flat.

15 Petalage: Semi-double. Average range: 25-30  
petals under normal conditions with 3  
petaloids.

Color:

Upon opening, petals:

Outermost petals:

20 Outer side: Yellow Group 13B. OCCASIONALLY  
Inner Side: Yellow Group 13A. PETALS EXHIBIT  
BLOTCHES 155 A IN  
COLOR.

Innermost petals:

Outer side: Yellow Group 13B.

Inner Side: Yellow Group 13A.

25 Upon opening, basal petal spots: No distinctive

coloration at  
petal base  
observed.

After opening, petals:

5                      Outermost petals:

Outer side: Yellow Group 13B. OCCASIONALLY OUTER  
PETALS EXHIBIT BLOTCHES OF  
 Inner Side: Yellow Group 13A. 155 A.

Innermost petals:

Outer side: Yellow Group 13B.

10 Inner Side: Yellow Group 13A.

After opening, basal petal spots: No distinctive

coloration at  
petal base  
observed.

15           **General Tonality:**     On open flower Yellow Group 13A  
to 13B. No change in the  
general tonality at the end of  
the 10<sup>th</sup> day. Afterwards,  
general tonality is Yellow  
20                                 Group 12C.

Petals:

Petal Reflex: Petals reflexed slightly.

Margin: Entire with point in center of margin.

25                      Shape:                      Apex:                      Pointed.

Base: Acute.

Size: 16 mm (l) x 10-15 mm (w).

Texture: Smooth.

Thickness: Thin.

5 Arrangement: Not Formal.

Petaloids:

Quantity: 3-5.

Size: 12 mm (l) x 7 mm (w).

Color:

10 Upper Surface:

Yellow Group 13A.

Lower surface:

Yellow Group 13A.

Reproductive Organs:

15 Pistils:

Length: 5-6 mm long.

Quantity: 35 (actual count).

Pollen: None observed.

Anthers:

20 Size: 1.5 mm long.

Color: Yellow-Orange Group 18A.

Quantity: 48 (actual count).

Filaments:

Color: Orange Group 17B.

25 Length: 5-6 mm.

Stigmas: Level in location to anthers.

Color: Yellow-Green Group 145D.

Styles:

Color: Yellow-Green Group 145D.

5 Other intonations: None.

Hips: None Observed in the field nursery in  
Jackson County Oregon.

PLANT

10 **Plant growth:** Vigorous climbing habit with weak  
apical dominance in flowering  
characteristics.

**Stems:**

Color:

15 Young wood: Yellow-Green Group 144A to  
144B.

Older wood: Yellow-Green Group 144A to  
144B.

Surface Texture:

20 Young wood: Smooth.

Older wood: Rough.

Thorns:

Incidence: 4 thorns per 10 cm of  
stem.

25 Size: Average length: 4 mm.

JUVENILE THORN Color: Greyed-Purple Group 183A

to 183B..

MATURE THORN color: Greyed Purple 183 B.

Shape: Linear to concave.

Anthocyanin:

5 None observed.

Plant foliage: Normal number of leaflets on  
normal leaves in middle of the  
stem: 5 leaflets.

Compound Leaf size: 12-30 mm (l) x 7-20 mm

10 (w).

Color:

Mature Foliage:

Upper Leaf Surface: Yellow-Green

Group 147A.

15 Lower Leaf Surface: Yellow-Green

Group 146A to

146B.

Juvenile foliage:

Upper Leaf Surface: Yellow-Green

20 Group 147A.

Lower Leaf Surface: Yellow-Green

Group 146A to

146B.

Anthocyanin: None observed.

25



Plant leaves and leaflets

Stipules:

Upper Surface: Pubescent.

- 5      LENGTH: ~~Size:~~      18 mm.
- Color:      Yellow-Green Group 146A.
- Shape:      Linear with outward  
extending apices.
- Margins:      Finely serrated with  
stipitate glands.

10      Petiole:

- Length:      ~~25~~<sup>15</sup> to 30mm.
- Color:      Yellow-Green Group 146C.
- Rachis:      ~~DIAMETER:~~ 1 mm.
- Color:      Yellow-Green Group 146C.

- 15      LENGTH: ~~Size:~~      40 mm.
- TEXTURE:      UNDERSIDES HAVE SMALL PIMPLES.
- Leaflet:

- Edge:      Finely serrated.
- Shape:      Generally ovate to rounded  
with cuspidate apex and  
rounded base.
- 20      Texture:      Smooth.
- Arrangement:      Odd pinnate.
- Venation:      Reticulate.
- Glossiness:      Moderate.
- 25      Size:      37 (l) x 22 (w).

**Disease resistance:**

Above average resistance to mildew, rust, black spot, and Botrytis under normal growing conditions in Jackson County, Oregon.

5

**Cold Hardiness:**

The variety 'POULyc004' has been found to be cold tolerant to USDA Cold Hardiness Zone 6.

CLAIM

A new and distinct variety of rose plant of the  
climbing rose class, substantially as herein illustrated  
5 and described as a distinct and novel rose variety due to  
its abundant deep yellow flowers, disease resistance, and  
extended period of bloom.